

REMARKS / DISCUSSION OF ISSUES

Claims 1-8, 10-12, and 18-26 are pending in the application.

The Office action rejects claims 18 and 20-24 under 35 U.S.C. 102(e) over Blacketter (USP 6,772,438). The applicant respectfully traverses this rejection.

The Examiner's attention is requested to MPEP 2131, wherein it is stated:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 18, upon which claims 19-22 depend, claims a system that includes a controller that is configured to receive a record command, and to concurrently initiate a recording of broadcast video and a recording of web content, to facilitate a concurrent playback of the broadcast video and the web content.

In like manner, claim 23, upon which claims 24-26 depend, claims a method that includes receiving a record command, and, in response to the record command: initiating a first recording of broadcast video, determining a web server associated with the broadcast video, downloading web content from the web server, initiating a second recording of the web content, and associating the second recording to the first recording to facilitate access to the second recording when the first recording is accessed.

Blacketter fails to teach concurrently initiating a recording of broadcast video and a recording of web content, to facilitate a concurrent playback of the broadcast video and the web content, as specifically claimed in each of claims 18 and 23.

The Office action cites Blacketter column 4, line 52 through column 6, line 1 for teaching a controller that is configured to receive a record command, and to concurrently initiate a recording of broadcast video and a recording of web content, to facilitate a concurrent playback of the broadcast video and the web content. The applicant respectfully disagrees with this assertion. At the cited reference in Blacketter, the only reference to the material that is recorded is:

"Additionally, the receiver 200 can be used, for example, to perform various procedures necessary to record and play back television programs and allow a viewer to interact with the source of a television broadcast (e.g., via a data communication network)." (Blackketter, column 4, lines 55-60.)

Blackketter teaches transmitting a URL that is associated with the broadcast on line 21 of the broadcast, the receipt of which triggers retrieval of web page content. Blackketter does not teach, however, that this retrieved web page content is recorded in response to receiving a record command, as specifically claimed in each of claims 18 and 23.

Because Blackketter fails to teach concurrently initiating a recording of broadcast video and a recording of web content, to facilitate a concurrent playback of the broadcast video and the web content, as specifically claimed in each of claims 18 and 23, the applicant respectfully maintains that the rejection of claims 18 and 20-24 under 35 U.S.C. 102(e) over Blackketter is unfounded, per MPEP 2131.

The Office action rejects claims 1-8, 10-12, 19, and 25-26 under 35 U.S.C. 103(a) over Blackketter and Hull et al. (USPA 2002/0056082, hereinafter Hull). The applicant respectfully traverses this rejection.

The Examiner's attention is requested to MPEP 2142, wherein it is stated:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

The Office action relies upon Blackketter for teaching recording of a television program broadcast and downloaded web content in support of the rejection of each of claims 1-8, 10-12, 19, and 25-26.

As noted above, Blackketter fails to teach the recording of a television program broadcast and downloaded web content. Therefore, the applicant respectfully maintains that the rejection of claims 1-8, 10-12, 19, and 25-26 under 35 U.S.C. 103(a) over Blackketter and Hull that relies upon Blackketter for this teaching is unfounded, per MPEP 2142.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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